

REMARKS

Claims 1–26 and 34-52 are currently pending in this application. Claims 1-26 and 34-52 are rejected under grounds of nonstatutory obviousness-type double patenting in view of U.S. Patent 6,406,724, owned by the same assignee as of the present invention. No other rejections or objections to the claims were made in the current Office Action.

In review the pending claims 1-26 and 34-53, however, Applicants noted errors related to antecedent basis in claim 34. The appropriate correction has been made in claim 34 in the present response. More specifically, the phrase “wherein the cultured cheese concentrate comprises 1 to about 80 percent of the sulfury-cheddar component, about 10 to about 90 percent of the cheesy component, and about 10 to about 90 percent of the creamy-buttery component” has been corrected to read as follows “wherein the cultured cheese concentrate comprises 1 to about 80 percent of a sulfury-cheddar component, about 10 to about 90 percent of a cheesy component, and about 10 to about 90 percent of a creamy-buttery component”.

Applicants respectfully request reconsideration of the claims of this application in light of the remarks presented herein.

Nonstatutory Obviousness-type Double Patenting Rejection

Claims 1 – 26 and 34 - 52 stand rejected under grounds of nonstatutory obviousness-type double patenting in view of U.S. Patent 6,406,724, owned by the same assignee as of the present invention.

A terminal disclaimer in view of U.S. Patent 6,406,724 is attached. Applicants respectfully request that this rejection be withdrawn.

Application No. 10/723,257
Amendment and Response dated September 12, 2008
Response to Office Action of March 28, 2008

CONCLUSION

In view of the above, Applicants respectfully submit that pending claims 1-26 and 34-52 are in condition for allowance. Therefore, Applicants respectfully request that this case be passed to issuance.

The Commissioner is hereby authorized to charge any additional fees which may be required with respect to this communication or credit any overpayment to Deposit Account No. 06-1135.

Respectfully submitted,

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